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In re Application of: §	
§	
YUHKO OHMORI §	Examiner: **TRAN, HENRY N.**
§	
Serial No.: 10/077,532 §	
§	
Filed: February 15, 2002 §	Art Unit: 2674
§	
For: **COMPUTER SYSTEM HAVING** §	
A PLURALITY OF INPUT §	
DEVICES AND ASSOCIATED §	
DOUBLE-CLICK PARAMETERS §	
§	
§	
§	

APPEAL BRIEF UNDER 37 C.F.R. § 1.192

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Sir:

This Appeal Brief is submitted in support of the Appeal of the Examiner's final rejection of Claims 9 and 14 in the above-identified application. A Notice of Appeal was filed in this case on October 22, 2004 and received in the United States Patent and Trademark Office on October 22, 2004. Please charge the fee of $340.00 due under 37 C.F.R. §1.17(c) for filing the brief, as well as any additional required fees, to **IBM Deposit Account No. 50-0563.**

REAL PARTY IN INTEREST

The real party in interest in the present Application is International Business Machines Corporation, the Assignee of the present application as evidenced by the Assignment set forth at reel 012921, frame 0400 *et seq*.

RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellants, the Appellants' legal representative, or assignee, which directly affect or would be directly affected by or have a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claim 1 was originally presented. Claims 2-15 were added in Applicants' Amendment A filed on March 15, 2004. Claims 1-15 stand finally rejected by the Examiner as noted in the Final Office Action dated June 14, 2004 and the Advisory Action dated October 14, 2004. The rejection of Claims 9 and 11 is appealed.

STATUS OF AMENDMENTS

An amendment responsive to the Final Office Action dated June 14, 2004, was submitted on August 14, 2004, proposing amendments that, *inter alia*, would have incorporated the features of dependent claims 9 and 14 into their respective base claims 6 and 11, and would have cancelled Claims 1-5. In the Advisory Action dated October 14, 2004, the Examiner refused to enter these proposed amendments.

SUMMARY OF THE CLAIMED SUBJECT MATTER

The invention recited in exemplary Claim 9 provides a method for determining if a touch panel on a computer is being touched by a finger or a stylus pen. Different time intervals are then allocated for recognizing a double click based on whether the touch panel was touched by a finger or a stylus pen. (See, *inter alia*, page 17, lines 9-20 of the present invention's specification.)

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The Examiner's rejection of Claims 9 and 14 under 35 U.S.C. §102(e) as being anticipated by *Bi, et al.* (U.S. Patent No. 6,262,719 – "*Bi*") is to be reviewed on Appeal.

ARGUMENT

A.   The rejection of Claims 9 and 14 under 35 U.S.C. §102(e) as being anticipated by *Bi, et al.* (U.S. Patent No. 6,262,719 – "*Bi*")

Bi does not teach all of the claim limitations of the present invention, and thus the rejection of Claims 9 and 14 should be reversed.

Bi describes a method and system for emulating a mouse with a touch-screen. *Bi* teaches that "the host manager Windows module 1260 modifies the time and distance parameters to enable two pen-down events…to emulate a mouse double click" (*Bi,* col. 42, lines 41-49).

For example, consider the spreadsheet below:

			B	
			y	
	A			
	x			

For exemplary purposes, assume that the user wishes to first click in the spreadsheet cell marked "A," and then to perform a second click in cell marked "B." *Bi* teaches a method of calculating that the cursor has moved along the "x" axis for two horizontal cells, and along the "y" axis for two vertical cells. If, however, the first and second clicks were both within the "A" cell within a certain period of time, then it is understood that a "double-click" was intended, rather than two distinct click operations. (*Bi,* col. 42, lines 35-44.)

There is no teaching or suggestion of a double-click input event that "is determined by double-click interval times that are different if the touch panel is double-clicked with a stylus pen

or with a finger, and wherein the finger is recognized by having a larger contact area with the touch panel than the stylus pen," as claimed in exemplary Claim 9. That is, if a finger is used to tap the touch panel, then the double-click time is different than if a pen is used, and the determination of whether a finger or pen is used is determined by the size of the area that is touched on the touch panel by either the pen or finger.

For example, consider the following touch panel:
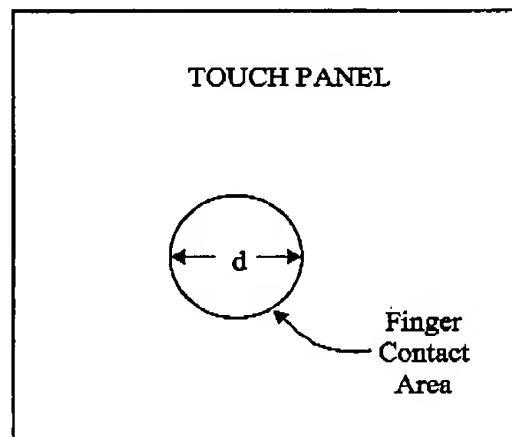
A user is touching the touch panel with her finger, thus contacting a finger contact area having a diameter of "d." The present invention recognizes this dimensional area as being too large to have been made by a stylus pen, and thus must have been made by the user's finger.

The office actions never addresses the claimed feature of using the size of the contact area to determine whether a finger or pen, which thus have different double-click times, is being used. In subsequent conversations with the Examiner, the Examiner has cited column 42, lines 31-40 for this teaching. However, the cited passage addresses the first example described above with regards to determining a spatial distance between click events. That is, *Bi* teaches that "the windows systems will only pass double click data to a Windows application if the distance (i.e., height and width) between mouse locations for the two clicks is less than 16 for both height and width and the time between the clicks is less than 1.0 seconds." (*Bi*, col. 42, lines 35-40.)

Clearly a method that measures a <u>distance</u> between clicks (Bi) does not teach or suggest a method that measures an <u>area</u> on a touch panel (as claimed in exemplary Claim 9).

CONCLUSION

As the prior art cited does not teach or suggest all of the features of the presently claimed invention, Applicants respectfully request that the rejection of Claims 9 and 14 be reversed, that the claims be allowed, and that the Applicants be given an opportunity to incorporate the elements of Claims 9 and 14 into their base and related claims.

Respectfully submitted,

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CLAIMS APPENDIX

Claim 1.   A computer system having a plurality of input devices for a computer, the computer system comprising:

an input device recognition information keeping unit for keeping recognition information that allows a double-click to be recognized for each of the input devices, each of the input devices having a double-click interval time that is independent of double-click interval times for other input devices of the plurality of input devices, the double-click interval times being a time interval between clicks in a double-click input event;

a double-click determining unit for determining consecutive clicks performed by said input device to be a double-click based on the recognition information kept by said input device recognition information keeping unit; and

an information notifying unit for, in case of being determined to be a double-click by said input device by said double-click determining unit, notifying an operating system of the information that is recognizable by the operating system as a double-click.

Claim 2.   The computer system of claim 1, wherein a first input device is a mouse, and a second input device is a touch panel, and wherein the double-click interval time for the mouse is less than the double-click interval time for the touch panel.

Claim 3.   The computer system of claim 1, wherein each input device has a recognition area size that is independent of recognition area sizes for other input devices from the plurality of input devices.

Claim 4.   The computer system of claim 1, wherein one of the input devices is a touch panel, and wherein the double-click interval time in a double-click input event at the touch panel is dependent on a contact are between the touch panel and a touching unit.

Claim 5.   The computer system of claim 4, wherein the touching unit is either a stylus pen or a user's digit.

Claim 6.   A method comprising:

setting up each input device in a data processing system, each input device being from a plurality of input devices, such that each input device has a double-click interval time that is independent of double-click times of other input devices in the plurality of input devices, the double-click interval times being a time interval between clicks in a double-click input event.

Claim 7.   The method of claim 6, wherein a first input device is a mouse, and a second input device is a touch panel, and wherein the double-click interval time for the mouse is less than the double-click interval time for the touch panel.

Claim 8.   The method of claim 6, further comprising:

setting up each input device such that each input device is able to have a recognition area size that is independent of recognition area sizes for other input devices in the plurality of input devices.

Claim 9.   The method of claim 6, wherein a double-click input event is performed on a touch panel, and wherein the double-click input event is determined by double-click interval times that are different if the touch panel is double-clicked with a stylus pen or with a finger; and wherein the finger is recognized by having a larger contact area with the touch panel than the stylus pen.

Claim 10.   The method of claim 6, wherein a time interval between clicks in a double-click is longer for a double-click by the finger than a double-click by the stylus pen.

Claim 11.   A computer program product, residing on a computer usable medium, the computer program product comprising:

computer program code for setting up each input device in a data processing system, each input device being from a plurality of input devices, such that each input device has a double-click interval time that is independent of double-click times of other input devices in the plurality of input devices, the double-click interval times being a time interval between clicks in a double-click input event.

Claim 12.   The computer program product of claim 11, wherein a first input device is a mouse, and a second input device is a touch panel, and wherein the double-click interval time for the mouse is less than the double-click interval time for the touch panel.

Claim 13.   The computer program product of claim 11, further comprising:
computer program code for setting up each input device such that each input device is able to have a recognition area size that is independent of recognition area sizes for other input devices in the plurality of input devices.

Claim 14.   The computer program product of claim 11, wherein a double-click input event is performed on a touch panel, and wherein the double-click input event is determined by double-click interval times that are different if the touch panel is double-clicked with a stylus pen or with a finger, and wherein the finger is recognized by having a larger contact area with the touch panel than the stylus pen.

Claim 15.   The computer program product of claim 11, wherein a time interval between clicks in a double-click is longer for a double-click by the finger than a double click by the stylus pen.